

---

<b>Policy Name:</b>	Disciplinary Procedural Rules of the American Society of Plastic Surgeons
<b>Background / Purpose:</b>	These are the rules governing the Society’s disciplinary procedures related to violations of the Society’s Code of Ethics, Bylaws, or other rules.
<b>Keywords:</b>	Member discipline, Disciplinary Program, Disciplinary Process, Ethics Rules
<b>Program Area or Business Line</b>	Governance
<b>Policy Sponsor (Staff Officer):</b>	Gina McClure, Senior Vice President and COO and Executive Director of The PSF
<b>Approving Body:</b>	ASPS/PSF Board of Directors
<b>Authorized Signatory(ies):</b>	J. Peter Rubin, MD, ASPS President
<b>Effective Date of Policy:</b>	revised June 17, 2022
<b>Next Review Date:</b>	June 2025

## DISCIPLINARY PROCEDURAL RULES OF THE AMERICAN SOCIETY OF PLASTIC SURGEONS

### I. Complaint

Section 1.1 Initiation of Complaint. A complaint alleging that an Active or Life Active member (herein after, the “affected member”) has violated the Code of Ethics, Bylaws, Rules or Regulations of the American Society of Plastic Surgeons (the “Society”), or alleging conduct detrimental to the reputation or best interests of the Society, may be initiated by a member of the Society, by the Ethics Committee, or by any third party. Active and Life Active members are required to annually attest to their compliance with the Society’s Bylaws and Code of Ethics and their continued satisfaction of the Basic Requirements of their membership. The Society’s membership department shall refer to the Ethics Committee any adverse information disclosed as part of this annual attestation and such attestation will be considered a self-reported complaint. Self-reported complaints will be treated the same as a third-party complaint for purposes of these Rules. Complaints by the Ethics Committee may be based upon the independent knowledge of its

members or upon review of publications, printed material or other information involving a member.

All complaints must be in writing and any available supporting evidence shall be submitted to the attention of the Chair of the Ethics Committee. If a complaint is received by the Executive Office of the Society or by an officer, director or trustee of the Society, the complaint shall be forwarded to the Chair of the Ethics Committee. To assist in the administration of complaints, the Society may require complainants to utilize a form of complaint and a specific method of complaint submission. Anonymous complaints will not be accepted.

All complaints will be shared, in their entirety, with the affected member. The name of the complainant may also be shared with the affected member, when, in the discretion of the Chair of the Ethics Committee, it is relevant or necessary to allow the affected member to properly respond to the allegation against him/her, and it does not present an undue risk to the complainant.

Section 1.2 Contents of the Complaint. The complaint shall contain the name of the affected member, a description of the alleged violation(s), including the date(s) or location(s) thereof and shall be supported by specific references to the activities or conduct constituting the grounds for the complaint. The complainant must also disclose the nature of any personal or professional relationship with the affected member and may provide the Ethics Committee with any information pertinent to why disclosing their identity to the affected member would cause an undue risk to the complainant. In the event the complaint does not contain the requisite specificity, the Ethics Committee shall contact the complaining party to obtain any necessary additional information. Failure to timely respond to the Ethics Committee's request for additional information may result in closure of the case by the Ethics Committee without further action.

(a) Specific Rule for Complaints Relating to Expert Testimony. A complaint concerning a member's conduct when providing expert testimony, including the submission of expert affidavits, shall contain, in addition to the information set forth above in this Section 1.2, one or more specific components of the member's testimony that the complainant believes demonstrate conduct in violation of the Code of Ethics. After citing such components, the complainant shall set forth the reasons why the complainant believes such testimony is in violation of the expert witness testimony provisions of the Code of Ethics. All complaints relating to expert testimony are to be submitted no later than one (1) year from the date of completion of the legal proceedings, including all appeals, to which the testimony applies. The complainant is responsible for establishing that the complaint is timely filed.

## II. Investigation

Section 2.1 Investigative Body. The Ethics Committee shall be the investigative body of the Society and shall be responsible for investigating complaints received or initiated by it. The Ethics Committee may use whatever means it deems necessary or reasonable to conduct its investigations and may obtain the assistance of the Society's staff or any third party in conducting such investigations.

Section 2.2 Preliminary Investigation. To expedite the investigative process, the Chair of the Ethics Committee may conduct a preliminary investigation or may delegate the preliminary investigation of a complaint to a member of the Committee who shall report his or her conclusions to the Chair. If, after a preliminary investigation, it is determined by the Chair that the complaint is groundless or without merit, the Chair shall notify the complaining party of the decision and the

matter will be terminated. The Chair may, in their sole discretion, make the affected member aware of the complaint against them and of the disposition of the same.

Section 2.3 Full Investigation. If the Chair determines that a preliminary investigation is unnecessary or if, after a preliminary investigation, it is determined that the complaint may have merit, a full investigation shall be made. The Chair thereupon shall by written communication (which may be delivered via e-mail) advise the affected member charged in the complaint that a complaint or complaints have been filed, that an investigation will be conducted and that he or she will be advised of its results.

The full investigation may be conducted by the Chair or by a Committee member appointed by the Chair. The assigned Committee member (the “Investigator”) will collect all relevant information from the complainant and affected member that the Investigator deems necessary, and may collect or request from third parties (including resources within the Society or Foundation or the expertise of Society or Foundation committees) such information as the Investigator deems reasonable and necessary to allow for a fulsome, fair and informed assessment of the complaint. The Investigator should use the foregoing information to support his or her recommendation to the Ethics Committee. Information pertaining to any interview shall be exchanged per Section 2.4 below. If the affected member submits a written response to the complaint against them, the Investigator shall provide a copy of the same to the complainant for response and comment. Any further information or response provided by the complainant will be shared with the affected member with a reasonable opportunity to further respond prior to the Investigator concluding his/her investigation.

Section 2.4 Discretionary Interview. The Ethics Committee Chair or the Investigator may determine that an interview with the affected member or complainant is appropriate. In such

event, the Investigator, in his/her discretion, may meet in person, telephonically or over video conference with the affected member or complainant to discuss the issues under consideration . The affected member shall be invited to discuss, explain or refute the charges outlined in the written communication from the Chair. The complainant may provide additional information pertaining to his or her complaint, or refute or respond to information provided by the affected member. This interview shall not constitute a hearing, shall be preliminary in nature, and none of the procedural rights provided in these rules with respect to hearings shall apply. A good faith summary of the information presented orally by either the affected member or complainant to the Investigator during the interview will be shared with the other party to allow for response and comment by the same consistent with the investigatory process contemplated in Section 2.3 above.

Section 2.5 Investigator Presentation. At the conclusion of the investigation, the Investigator shall present the complaint, copies of all written correspondence from the complainant and affected member, a summary of any oral communications had with either the complainant or affected member and his/her conclusions to the Ethics Committee. The Ethics Committee, as a whole, will deliberate and vote on how to proceed with the complaint as outlined in Section 3.2 below. Accordingly, the presentation of the Investigator is confidential, for summary and deliberation purposes only and will not be disclosed outside of the Ethics Committee for purposes of these proceedings. The Chair may request further investigation at such time.

Section 2.6 Stay for Ongoing Legal and Administrative Proceedings. In the event the complaint pertains to conduct or matters which are currently the subject of ongoing litigation or under review by another licensing or professional credentialing disciplinary authority, the Ethics Committee will suspend its inquiry or investigation pending the conclusion and final disposition (including all appeals) of such proceedings. The complainant will be notified of the stay and the

affected member will be notified of the complaint against them pertaining to the same. The affected member shall be obligated to notify the Ethics Committee when such proceedings are finally concluded, and in the interim, provide the Ethics Committee with a status update at least once every six (6) months. Failure to timely notify the Ethics Committee of the conclusion of the proceedings, provide periodic updates or to respond to the Ethics Committee's requests for a status update may separately be grounds for investigation and discipline pursuant to these Rules.

Section 2.7      Resignation under Investigation. If the affected member voluntarily resigns his or her membership (including by virtue of nonrenewal due to nonpayment of dues) while under investigation, but prior to the Ethics Committee acting pursuant to Article III hereof, the investigation will be stayed and will resume in the event the member applies for reinstatement or another category of membership in the future. The disciplinary process must be completed prior to the member being eligible to be considered for reinstatement or being considered for acceptance in another category of membership or affiliation with the Society. The disciplinary program and membership department may share such information as necessary to give effect to these rules and requirements for reinstatement and eligibility.

### III.    Conclusion of Ethics Committee

Section 3.1    The Ethics Committee may take action on a complaint at a formal meeting or by telephone conference or other electronic means in which participating members of the Ethics Committee can hear each other in lieu of a formal meeting.

Section 3.2    The Ethics Committee, after a full investigation, may reach one of the following two conclusions:

(a) It may determine that there appears to the Committee to be an insufficient basis to justify or require action by the Society. In such case the Chair shall so inform the member charged in the complaint and the complaining party.

(b) It may determine that the member may have violated the Society's Code of Ethics, Bylaws, Rules or Regulations, and/or engaged in other conduct detrimental to the reputation or best interests of the Society and that the matter is to be forwarded to the Judicial Council for a hearing.

Section 3.3 In the event the Committee reaches a decision under Section 3.2(b) above, it shall so notify the affected member (hereinafter, the "charged member") in the following manner:

(a) The Ethics Committee shall prepare a written notice identifying the violation or violations and/or other improper conduct with which the charged member is charged.

(b) The notice and all relevant supporting information shall be sent to the charged member either (i) by registered or certified mail or other means that provides for proof of delivery, such as overnight delivery service, or (ii) via e-mail to the charged member's e-mail address on file with the membership department. This notice may advise the charged member of time, date, place and format of the hearing of the Judicial Council at which the question of disciplinary action is to be considered, or advise the charged member that additional details will follow as to the time, date, and format of the hearing of the Judicial Council. The notice should advise the charged member of the right to participate in the hearing, with or without legal counsel and/or such other representatives

as he or she may choose, and that the charged member may submit such information as the charged member deems proper to show that disciplinary action should not be taken. The charged member's right to participate shall align with the format of the hearing and the participation of the members of the Judicial Council. By way of example but not limitation, if the Judicial Council is meeting virtually through electronic means in which participating members of the Judicial Council can see and hear each other, the charged member shall be afforded the opportunity to participate in the same manner. If the Judicial Council is meeting in-person, the charged member's right to participate is limited to in-person participation, except that the Chair of the Judicial Council may otherwise approve the charged member's request to participate via another means of participation (such approval shall not to be unreasonably withheld).

(c) The written notice shall be sent not less than thirty (30) days prior to the scheduled hearing date.

(d) Copies of the written notice and all materials provided to the charged member will also be sent to the Chair of the Judicial Council.

Section 3.4 In the event the Committee reaches a decision under Section 3.2(a) above, the complaint or complaints and substantiating information will be placed in the charged member's file. Any decision pursuant to Section 3.2(a) above does not constitute a finding that the charged member charged is not guilty of a violation but merely indicates that there was insufficient information to warrant a Judicial Council hearing. If additional information relating to the complaint or complaints investigated by the Ethics Committee arises at a later date, the information contained in the affected member's file may be used as part of the basis for a charge.



Section 3.5      Resignation Prior to Hearing. If the affected member voluntarily resigns his or her membership (including by virtue of nonrenewal due to nonpayment of dues) prior to the hearing of the Judicial Council, the hearing will be stayed. The disciplinary process must be completed prior to the member being eligible to be considered for reinstatement or being considered for acceptance in another category of membership or affiliation with the Society. The disciplinary program and membership department may share such information as necessary to give effect to these rules and requirements for reinstatement and eligibility.

IV.    Action If Charged Member Fails to Appear at Hearing or Waives the Right to a Hearing

Section 4.1    If a charged member either fails to participate in a hearing before the Judicial Council or waives in writing the right to such a hearing, and thereby consents to be disciplined in accordance with the decision of the Judicial Council, the Judicial Council shall review the materials submitted to it by the Ethics Committee and determine whether a violation has occurred and whether disciplinary action should be taken against the charged member.

Section 4.2    The Chair of the Judicial Council will determine the format of the meeting of the Judicial Council where the charged member has declined to participate, or waived in writing the right to a hearing. Such meeting need not be in-person. Regardless of meeting format, the Chair of the Judicial Council shall circulate to all such members the materials submitted by the Ethics Committee. If not meeting in-person, the Judicial Council shall take action by means of a conference telephone or similar communications equipment whereby all members participating in the meeting can hear each other.

Section 4.3    A charged member who fails to appear at a hearing before the Judicial Council, or waives in writing the right to such hearing, shall be deemed to have accepted the

Judicial Council's decision in full and to have waived all rights to appeal such decision to the Trustees of the Society in accordance with the terms of Article XI hereof.

V. Date of Hearing

Section 5.1 Hearings before the Judicial Council may be held during the annual meeting of the Society or at such other time and place or format as the Judicial Council may, in its discretion, determine.

VI. Submission of a Written Statement and/or Additional Information Prior to the Hearing

Section 6.1 The charged member may prepare and submit a written statement specifying those matters contained in the information delivered by the Ethics Committee with which the charged member disagrees and the reasons for such disagreement. This written statement may cover any matter relating to the adverse determination of the Ethics Committee and legal counsel may assist in its preparation. The charged member may also submit any other relevant information for consideration by the Judicial Council. The written statement and any other relevant information shall be submitted to the Chair of the Judicial Council not less than ten (10) days prior to the date of the hearing.

Section 6.2 The Ethics Committee shall submit for consideration by the Judicial Council any additional information relating to the alleged violation or violations, or other improper conduct, which the Ethics Committee receives subsequent to delivery of the notice of hearing and prior to the date of said hearing. Copies shall at the same time be submitted to the charged member.

VII. Quorum and Manner of Acting

Section 7.1 A majority of the members of the Judicial Council shall constitute a quorum and the act of a majority of the members present at a hearing at which a quorum is present shall be the act of the Judicial Council. Conflicted members may be counted for purposes of quorum.

VIII. Conduct of Hearing

Section 8.1 At a hearing before the Judicial Council, a member of the Ethics Committee, who shall be designated to speak for the entire Ethics Committee, shall have the opportunity to present to the Judicial Council the relevant supporting information, including oral and/or written statements, affidavits and witnesses, if any, and to question the charged member and/or any witness presented by the charged member.

Section 8.2 The charged member and/or his or her counsel or other representative shall have the opportunity to be heard, to rebut the information produced by the Ethics Committee, to present and examine witnesses, to introduce written evidence, including written statements and affidavits, to question or challenge any witness presented by the Ethics Committee and to present such information on the charged member's behalf as the charged member deems appropriate to refute the complaint or complaints.

Section 8.3 A record shall be kept of that part of the hearing during which information is presented and the charged member appears. The recording mechanism shall be established by the Judicial Council and may be accomplished by the use of a court reporter, electronic recording unit, or detailed transcription.

Section 8.4 The Society's legal counsel may be present at all hearings conducted by the Judicial Council. The Society's legal counsel shall assist the Judicial Council Chair in addressing procedural questions.

Section 8.5 The purpose of the hearing is to determine whether or not the charged member has engaged in conduct in violation of the Society's Code of Ethics, Bylaws, Rules or Regulations, or other conduct detrimental to the reputation or best interests of the Society, as more specifically set forth in the written notice from the Ethics Committee. The Judicial Council hearing need not be conducted according to the rules of law relating to the examination of witnesses or the presentation of evidence. All information related to the alleged violation or violations and/or other conduct detrimental to the reputation or best interests of the Society shall be admissible at the hearing, whether or not such information would be admissible in a court of law. The Judicial Council shall be entitled to take into account any such information of the type normally relied upon by individuals of reasonable prudence in the conduct of important personal matters and may rely upon their own expertise and experience as plastic surgeons in evaluating written materials, oral testimony or issues raised during the hearing. The Chair of the Judicial Council shall make all determinations as to the relevance of information sought to be presented, but such determinations may be overridden by a majority vote of the Judicial Council present at the hearing.

Section 8.6 A hearing may be postponed for good cause in the sole discretion of the Judicial Council. The Judicial Council may, without special notice, recess the hearing and reconvene for the convenience of the participants or for the purpose of obtaining new or additional information or for consultation.

Section 8.7 The procedures for conducting Judicial Council hearings shall generally be as follows:

(a) The Chair of the Judicial Council shall introduce the members of the Judicial Council, the charged member and any representatives and outline the format of the hearing, including the time allotted for the presentation by the Ethics Committee representative and by the charged member and the charged member's representative;

(b) Counsel for the Society shall describe the exhibits submitted by the Ethics Committee and by the charged member;

(c) The Ethics Committee representative shall summarize the complaint, the history of the Ethics Committee investigation, and the section(s) of the Code of Ethics and, if applicable, Bylaws and Rules and Regulations, that the Ethics Committee believes may have been violated;

(d) The charged member shall have the opportunity to question the Ethics Committee representative concerning any aspect of the representative's presentation;

(e) The charged member and the charged member's representative shall have the opportunity to make a presentation to the Judicial Council;

(f) Judicial Council members may ask questions of the charged member and the Ethics Committee representative at any time during the hearing; and

(g) The Judicial Council Chair shall conclude the proceedings and advise the charged member that the Judicial Council will issue a decision within thirty (30) days.

IX. Decision of Judicial Council

Section 9.1 The Judicial Council, in closed session either immediately following the hearing, or shortly thereafter, shall conduct its deliberations and determine whether the charged member has engaged in the conduct charged. Such determination shall be made not more than thirty (30) days after final adjournment of the hearing.

Section 9.2 The Chair of the Judicial Council shall notify the charged member of the Judicial Council's determination within thirty (30) days after it reaches such determination pursuant to this Section.

X. Action Following Decision of Judicial Council

Section 10.1 No Violation.

(a) If the Judicial Council determines that the complaint or complaints are not substantiated, a record of the complaint, the hearing and the disposition by the Judicial Council is maintained by the Society and may be considered in the future consistent with Section 3.4 above. The Judicial Council shall notify the Chair of the Ethics Committee of its determination.

(b) If the Judicial Council determines that the that the charged member has not engaged in the conduct and/or violation or violations charged, the matter will be terminated. A record of the complaint, the hearing and the disposition by the Judicial Council is maintained by the Society. The Judicial Council shall notify the Chair of the Ethics Committee of its determination. Such information may not be used by the Society or the Ethics Committee as evidence in any future proceedings against the charged member.

Section 10.2 Violation. If the Judicial Council determines that the complaint or complaints are substantiated and that the charged member has engaged in the improper conduct and/or the violation or violations charged, the Judicial Council may prescribe one or more of the forms of disciplinary action outlined in Article XII. If the charged member (hereinafter, the “disciplined member”) does not appeal the decision of the Judicial Council pursuant to the provisions of Article XI, or if the disciplined member is unable to appeal the decision due to the disciplined member’s failure to appear at the Judicial Council hearing, the decision shall become final at the end of the thirty (30) day appeal period. At or about the same time, the Judicial Council shall notify the Chair of the Ethics Committee, the President of the Society and the Executive Office of the Society of the decision.

Section 10.3 Resignation Following Hearing. If the affected member voluntarily resigns his or her membership (including by virtue of nonrenewal due to nonpayment of dues) following the hearing of the Judicial Council but prior to the effective date of the discipline imposed thereby, the member’s right to appeal is thereby waived and the effective date of such discipline will be stayed. In the event the individual applies for reinstatement or another category of membership in the future, the terms of the discipline imposed must be satisfied prior to such individual being eligible to be considered for reinstatement or being considered for admission to another category of membership or affiliation with the Society. The disciplinary program and membership department may share such information as necessary to give effect to these Rules and requirements for reinstatement and eligibility.

XI. Appellate Procedure

Section 11.1 Request for Review. The Trustees shall act as the appellate body of the Society. Unless the disciplined member failed to participate in the hearing before the Judicial

Council hearing, or waived in writing the right to such hearing, a disciplined member may request appellate review by the Trustees of a decision of the Judicial Council within thirty (30) days after receipt of notice thereof. Such request shall be in writing, shall be sufficiently definite to notify the Trustees that an appeal is being requested, and shall be sent by registered or certified mail or other means, such as an overnight delivery service, that provides for proof of delivery, to the Chair of the Trustees at the Executive Office of the Society. If such appellate review is not requested within thirty (30) days, the disciplined member shall be deemed to have waived the right to an appeal and to have accepted the decision of the Judicial Council.

Section 11.2 Scope of Appellate Review. Appellate review shall be held on the record on which the adverse decision of the Judicial Council was based together with a written statement pursuant to Section 11.5 below, unless the disciplined member requests permission to make an oral presentation to the Trustees, in which case the oral presentation shall become a part of the record. In no event shall a disciplined member be permitted to raise a substantive issue that was not presented to the Judicial Council and reflected in the record of the hearing.

Section 11.3 Scheduling the Review. Upon receipt of a request for appellate review pursuant to Section 11.1 above, the Trustees shall schedule the review. At least thirty (30) days prior to the review, the Trustees shall notify the Chair of the Ethics Committee and the disciplined member at the e-mail address for the disciplined member on file with the membership department or by registered or certified mail or other means, such as an overnight delivery service, that provides for proof of delivery of the time, date, and format of the meeting.



Section 11.4 Quorum. Two-thirds of the Trustees shall constitute a quorum and the act of a majority of the Trustees present at a meeting at which a quorum is present shall be the act of the Trustees. Conflicted Trustees may be counted for purposes of quorum.

Section 11.5 Disciplined Member's Written Statement. The disciplined member may prepare and submit a written statement, in which those factual and procedural matters with which the disciplined member disagrees and the reasons therefor shall be specified. Such statement may address any matter raised at any step in the process to which the appeal is related; but may not address a matter that was not previously raised before the Judicial Council. Disciplined member's legal counsel or other representative may assist in preparation of the written statement. Such statement shall be submitted to the Trustees through its Chair at least ten (10) days prior to the scheduled date of the review. A disciplined member who has requested review pursuant to Section 11.1 above shall have access to the decision letter and transcript of the Judicial Council and to all other written materials that were considered by the Judicial Council in making the adverse decision.

Section 11.6 Ethics Committee Written Statement. If the disciplined member submits a written statement, then a similar written statement may be submitted by the Ethics Committee to the Chair of the Trustees. The scope of any statement submitted by the Ethics Committee shall be limited to issues raised during the Judicial Council hearing. If submitted, the Chair of the Trustees shall provide a copy thereof to the disciplined member at least five (5) days prior to the scheduled date of the review.

Section 11.7 Oral Presentation. If a disciplined member requests permission to make an oral presentation pursuant to Section 11.2 above, the disciplined member and/or the disciplined

member's legal counsel or other representative shall be permitted to speak against the adverse decision and to answer questions from any Trustee. The disciplined member's format for such presentation shall align with the format of the meeting of the Trustees for the review. By way of example but not limitation, if the Trustees meet virtually through electronic means in which participating Trustees can see and hear each other, the disciplined member shall be afforded the opportunity to present in the same manner. If the Trustees meet in-person, the disciplined member shall present in-person, except that the Chair of the Trustees may otherwise approve the disciplined member's request to participate via another means of participation (such approval shall not be unreasonably withheld). If the disciplined member elects to make an oral presentation, the Trustees may permit the Chair of the Ethics Committee (or his/her designee) to present the contents of the written statement permitted by Section 11.6 above.

Section 11.8 New or Additional Matters. Information not presented during the hearing before the Judicial Council or otherwise not reflected in the record shall not be introduced during the appellate review.

Section 11.9 Review. The Trustees shall review the record, including any written statements submitted pursuant to Sections 11.5 and 11.6 above, and shall determine whether the decision of the Judicial Council is substantiated.

Section 11.10 Decision. Within thirty (30) days of the conclusion of its review, the Trustees shall determine by the affirmative vote of a majority of the Trustees participating in the review whether to uphold, modify or reject the decision of the Judicial Council. The term "modify" shall mean that the Trustees may impose more lenient discipline than that imposed by the Judicial Council but the Trustees may not find additional violations or impose more stringent discipline.

The Trustees may only modify or reject a decision of the Judicial Council that it determines is either (1) unsupported by substantial evidence or (2) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the Society's Code of Ethics, Bylaws, or Disciplinary Procedures.

Section 11.11 Notice of the Decision. The Chair of the Trustees shall send notice of the decision of the Trustees to each of the following: the disciplined member, the Chair of the Ethics Committee, the Chair of the Judicial Council, the President of the Society, and the Executive Office of the Society.

## XII. Forms of Discipline

The disciplinary measures which may be imposed upon a disciplined member may include, but are not limited to, one or more of the following:

### Section 12.1 Censure.

(a) Private. A written letter of censure advising the disciplined member that he or she has been found guilty of the conduct and/or the violation or violations charged, expressing appropriate concern and proposing greater sanctions if a future violation occurs. The private letter of censure shall be furnished to the American Board of Plastic Surgery. It shall also be furnished to the individual initiating the complaint, provided such individual agrees in writing to maintain the confidentiality of the discipline. The fact that a disciplined member received a private letter of censure shall be disclosed to the ASPS/PSF Nominating Committee for candidates under consideration for an elected or appointed position. The private letter of censure shall not be otherwise distributed or disclosed.

(b) Public. A written letter of censure in form similar to (a) above, but that is also distributed with a summary notice to each member of the Society.

Section 12.2 Probation. The disciplined member will be allowed to attend the meetings of the Society and vote but may not hold office or be appointed to working committees during the period of probation. Probation shall not affect the disciplined member's obligation to pay membership dues during the period of probation. The probation shall be announced in a notice distributed to each member of the Society.

Section 12.3 Suspension. The disciplined member will be allowed to attend the meetings of the Society, but may not claim membership in the Society, vote, present and/or discuss scientific material, hold office, use the Society logo or brochures, participate in the Society referral service, or be appointed to working committees during the period of suspension. Suspension shall not affect the individual's obligations to pay membership dues during the period of suspension. The suspension shall be announced in a notice distributed to each member of the Society.

Section 12.4 Expulsion. The disciplined member's relationship with the Society shall be severed and all rights and privileges of membership terminated. The expulsion shall be announced in a notice distributed to each member of the Society. An expelled member may reapply for membership in the Society no earlier than three (3) years following the effective date of the expulsion.

XIII. Summary Action in the Event of Suspension or Termination of a Member's Right to Practice Medicine or Board Certification

Section 13.1 Licensure. Where a member's right to practice medicine is placed on probation, suspended, or revoked in any state, province or country by action of the applicable medical board or licensing authority, the affected member's membership status in the Society shall

be similarly placed on probation, suspended, or revoked. In the case of probation or suspension, the probation or suspension imposed by the Society shall run concurrent with the probation or suspension imposed by the medical board or licensing authority except that, in order to be reinstated, the affected member must provide evidence to the Judicial Council of his or her unrestricted license to practice medicine as contemplated below.

Section 13.2 Certification. A member's membership status in the Society shall be placed on probation, suspended, or revoked concurrent with the duration of the probation, suspension, or revocation of the member's certification by the American Board of Plastic Surgery, the Royal College of Physicians and Surgeons of Canada or the Corporation Professionnelle des Medecins du Quebec; except that, in order to be reinstated, the affected member must provide evidence to the Judicial Council of his or her certification in good standing as contemplated below.

Section 13.3 Notice of Summary Action.

The Chair of the Judicial Council will notify the affected member, in writing, within thirty (30) days of taking any action under this provision. Within thirty (30) days of receipt of that notice, the affected member may request a review by the Society's Judicial Council of the decision to summarily suspend or terminate his/her membership or place his/her membership on probation pursuant to Article XIII. Such request shall be sent to the Chair of the Judicial Council. If the affected member does not request a review within thirty (30) days, the member shall be deemed to have waived the right to review and to have accepted the decision of the Council.

Section 13.4 Reinstatement. The suspended or terminated member or member whose membership has been placed on probation shall be responsible for notifying the Society when the period of license or Board-certification probation, suspension, or revocation has ended and when

the individual's right to practice medicine or Board-certification has been fully reinstated. The individual shall be responsible for demonstrating to the satisfaction of the Judicial Council that he or she satisfies the Society's requirements for membership before being reinstated.

XIV. Record Verification.

Section 14.1 The disciplinary program may provide to the membership department such information as is reasonably requested or needed to give effect to these Rules. Further, the Nominating Committee or the Society or The Plastic Surgery Foundation Presidents may request that the disciplinary program verify information self-disclosed or disclosed to it during the course of applicant evaluation for purposes of determining the eligibility to be a candidate for elected or appointed office, including the veracity of attestations made by the applicant himself or herself. The Nominating Committee and/or Presidents shall be reminded of the confidential nature of such information at the time of disclosure.